

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRIAN EUGENE AEMMER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:16-cv-00890 BHS JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 17).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

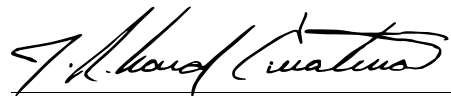
1 On remand, based on the parties' stipulation, this Court recommends that the above-
2 captioned case be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for
3 further administrative proceedings, including the following actions:

- 4 • The ALJ will conduct a new hearing, develop further the record as needed, and issue a new
5 decision;
- 6 • The ALJ will reevaluate and develop further the medical evidence or record;
- 7 • The ALJ will reevaluate plaintiff's credibility pursuant to SSR 16-3p;
- 8 • The ALJ will reevaluate plaintiff's RFC and;
- 9 • The ALJ will reevaluate steps four and five of the sequential evaluation process with the
10 assistance of a vocational expert, as necessary.

11 Following proper presentation, this Court will consider plaintiff's application for costs
12 and attorney's fees under 28 U.S.C. § 2412(d).

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge
14 immediately approve this Report and Recommendation and order the case be **REVERSED** and
15 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated this 16th day of December, 2016.

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18 J. Richard Creatura
19 United States Magistrate Judge
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